

**An Act to state legislative findings and declarations regarding the window failures at the State Board of Equalization's headquarters building and to obtain an appropriation for the repair of the windows.**

**Source: October 25, 2005 Board Hearing**

**Existing law**

Under existing law, Article XVI, Section 7 of the California Constitution provides that money may be drawn from the Treasury only through an appropriation made by law and upon a Controller's duly drawn warrant. In other words, the Controller is bound by the Constitution to only pay those state expenses that have been expressly authorized by the Legislature through an appropriation made by law.

The annual state budget is the Legislature's primary method of authorizing expenses for a particular year. Any changes to these budget appropriations, therefore, must also be authorized by the Legislature.

In the situation in which a department requires additional funds due to unanticipated expenses, it must have a supplemental appropriation. Supplemental appropriations are typically provided in the annual deficiency bill during the spring. However, due to the urgency of the window failures at the Board of Equalization headquarters building, a delay until springtime to receive funding is simply not workable.

**This proposal**

This proposal would state legislative findings and declarations that the window failures at the Board's headquarters building constitute an imminent danger to the more than 2,000 employees occupying the building and for the general public in or nearby the building and that these failures have been recognized by the Department of General Services as an urgent public safety issue and an emergency situation. Therefore, in order to obtain the necessary funding to remedy this public safety concern at the earliest possible time, this proposal would authorize an appropriation of an unspecified amount to the Board.

*SECTION 1. The legislature hereby finds and declares the following:*

*a) The State Board of Equalization's headquarters building, known as Capitol Square Plaza, is a 617,000-square-foot building located at 450 N Street in Sacramento.*

*b) The headquarters building, with 6,000 windows, has experienced a dangerous spate of window glass failures.*

c) *Four heavy glass panels, each measuring 5-by-7 feet, have failed on the 24-story building since the first of 2005, including two that sent glass debris showering onto the ground and onto a parking garage.*

d) *The window failures constitute an imminent danger to the more than 2,000 employees occupying the building and for the general public in or nearby the building.*

e) *In addition, the building contains an on-site daycare center with 51 children with an outdoor play yard located on ground level immediately below hundreds of these windows.*

f) *The State Department of General Services has declared a state of emergency for the window failures.*

g) *The potential for physical harm is extreme, creating a compelling need to address the problem expeditiously. Therefore, the Legislature finds that it is paramount that sufficient funds be provided to the State Board of Equalization to remedy this public safety concern as promptly as feasible.*

*SEC. 2. (a) The sum of \_\_\_\_\_ is hereby appropriated from the State General Fund to the Board of Equalization for necessary expenditures related to the essential repairs of windows at its headquarters building, known as Capitol Square Plaza.*

*SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:*

*In order to provide necessary funding, at the earliest possible time, for the State Board of Equalization to expeditiously arrange for the repair of windows in the Capitol Square Plaza to protect employees, children of the daycare center, and the general public from the dangers of shattering windows, it is necessary that this Act take effect immediately.*